

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SHELTER ISLAND YACHTWAYS, LTD., a
 California Limited Partnership, dba SHELTER
 ISLAND BOATYARD,

Plaintiff,

v.

M/Y SUNDANCE, Official No. 521498, A
 HATTARAS MOTORYACHT OF
 APPROXIMATELY 33 FEET IN LENGTH
 AND 12 FEET IN BEAM, AND ALL OF HER
 ENGINES, TACKLE, ACCESSORIES,
 EQUIPMENT, FURNISHINGS AND
 APPURTENANCES, *in rem*,

Defendant.

Case No. 07-CV 2015 DMS (WMC)

IN ADMIRALTY

[PROPOSED] ORDER
 CONFIRMING VESSEL SALE

F.R.C.P. Supplemental Admiralty
 Rules C and E.

46 U.S.C. Sections 30101-31343

[PROPOSED] ORDER CONFIRMING SALE OF DEFENDANT VESSEL

This case came before the Court upon the arrest of the Defendant Vessel.

On April 21, 2008 Plaintiff's Motion for Interlocutory Vessel Sale came on for hearing. Having duly considered the Points and Authorities in Support of Motion for Interlocutory Sale of Vessel, the record on file in this action, and good cause therefor appearing, the Court granted Plaintiff's Motion for Interlocutory Sale of Defendant Vessel. The United States Marshal accordingly caused the Defendant Vessel to be sold at public auction, which occurred on May 14, 2008. Plaintiff was permitted by the Court's April 21, 2008 Order to credit bid at the auction

1 of the Defendant Vessel a sum equal to its secured interest in the Defendant Vessel, consisting
2 of the lien amount specified in the Verified Complaint (\$11,289.83) plus costs of suit through
3 the date of the sale, including U.S. Marshal and other *custodia legis* expenses specified in
4 Plaintiff's Motion for Interlocutory Vessel Sale and Authorization to Credit Bid.

5 No one apart from Plaintiff bid at the auction. Plaintiff bid the sum of One Thousand
6 Dollars (\$1,000.00) and was hence the sole, high and successful bidder.

7 With respect to the confirmation of the sale, the Court finds that there are no grounds to
8 set aside the sale. Local Admiralty Rule 14c provides that: "[i]f within three (3) days, exclusive
9 of Saturdays, Sundays and legal holidays, no written objection is filed, the sale shall stand
10 confirmed as of course . . . except that no sale shall stand confirmed until the buyer has complied
11 fully with the terms of his purchase."

12 No objection to the sale having been timely filed by any party, it is hereby
13 **ORDERED THAT THE SALE IS CONFIRMED**; and

14 It is **FURTHER ORDERED** that the U.S. Marshal issue to the successful bidder
15 an original Bill of Sale (Dept. Of Transportation Form CG 1356 (Rev. 82) and one certified
16 copy, and to file one copy with the Clerk of the Court and a third copy for the U.S. Marshal
17 Service; and

18 It is **FURTHER ORDERED** that the Substitute Custodian appointed in this action
19 is hereby released of further duties in this action, and that the U.S. Marshal forthwith accordingly
20 notify the substitute custodian that it has been relieved of further duties in this action.

21 It is **FURTHER ORDERED** that upon completion of its duties specified in this
22 Order the U.S. Marshal shall be relieved of all further custodial duties in this action.

23 Dated: May __, 2008

24 _____
25 Hon. Dana M. Sabraw
26 United States District Judge
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